



UNITED STATES  
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May 22, 2019

**VIA ECF**

The Honorable Lorna G. Schofield  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: SEC v. Genovese, et al., No. 17 Civ. 5821 (LGS) (S.D.N.Y.)

Dear Judge Schofield:

We write on behalf of the parties in response to the Court's May 17, 2019 Endorsed Order (DE116).

As originally requested, the stay sought by the Defendants Robert Genovese and B.G. Capital, Ltd. (collectively the "Genovese Defendants") would "apply to all Court imposed deadlines and suspend all discovery deadlines," pending the Commission's review of the settlement in principle reached by the Genovese Defendants and the Commission staff. The Genovese Defendants sought such a stay because each of the depositions currently scheduled is, in their view, important to their defense of the claims against them. Without a stay, either the Genovese Defendants must spend resources to attend the depositions – an expense that would prove unnecessary if their settlement offer is approved by the Commission and the Judgment then approved by the Court – or, sit out the depositions, but petition to take them again if the settlement is not approved by the Commission or the Court. If the Genovese Defendants were permitted to retake depositions, the Commission, Defendant Mirman and the witnesses would all be put to needless expense of time and resources. A stay of depositions therefore appears to be appropriate during the limited sixty-day period proposed.<sup>1</sup>

After discussion among the parties, we have agreed that while a stay of all depositions is appropriate, the Commission and Defendant Mirman can proceed with certain written discovery each has served on the other in the form of Interrogatories and Requests to Admit. Therefore, the parties jointly propose that the Court grant the stay of all depositions in this matter through

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<sup>1</sup> If the Commission staff is successful in obtaining the Commission's consideration of the settlement in principle before the 60 days elapses, we will alert the parties and the Court and be prepared to reschedule the postponed depositions as quickly as practicable.

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July 17, 2019, and a limited stay of written discovery to that between the Commission and the Genovese Defendants.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy A. Brown", with a long horizontal stroke extending to the right.

Nancy A. Brown

cc: All Defendants, via ECF.